

SERBIAN REPUBLIC OF BOSNIA AND HERZEGOVINA
MINISTRY OF THE INTERIOR
S A R A J E V O

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To:

- President of the Presidency
- Prime Minister

REPORT
ON SOME ASPECTS OF THE WORK DONE TO DATE AND THE TASKS
AHEAD

Sarajevo, 17 July 1992

The Minister of the Interior called a meeting held in Belgrade on 11 July 1992 as part of an ongoing analysis of the situation in internal affairs and a refocusing on priority duties and tasks in current complex war-time security conditions. The meeting was attended by the Minister of the Interior, the undersecretaries for the National Security Service and the Public Security Service, assistant ministers, chiefs of security service centres, chiefs of public and state security services at the centres, chiefs of departments and heads of operative services from the centres. The meeting was also attended by a representative of the SSUP /Federal Secretariat for Internal Affairs/ of the Federal Republic of Yugoslavia.

In his introductory address, the Minister – noting that the purpose of the meeting was to provide a critical analysis of the results achieved and to define priority tasks and conclusions on the basis of that analysis – pointed out that the political, military and security situation was very serious and that it further complicated the work of internal affairs organs. Most importantly, a large number of members of the MUP /Ministry of the Interior/ of the Serbian Republic of Bosnia and Herzegovina – initially nearly all of them – are involved in war operations.

It was pointed out, however, that members of security services and other MUP employees must act in a fully professional manner by taking measures from their sphere of competence and be accountable for tasks within their purview and that these tasks must be carried out to the highest possible degree by what employees are available at any given moment. He placed special emphasis on the need for full constitutionality and legality and for respecting the provisions of sublegal acts pertaining to internal affairs in order to make the functioning of government in the Serbian Republic of Bosnia and Herzegovina as effective as possible.

Nearly all those present took part in the debate. The chiefs of the centres pointed out the main security problems, which are largely common to all the regions, as well as certain circumstances which greatly restrict a more effective inclusion of MUP members in tasks within their purview.

This has mostly to do with the fact that police are still on the first combat lines* (100 per cent in Herzegovina, over 70 per cent in the Doboj region, etc.) – although this was justified at the beginning – or that the Army keeps civilian police within its ranks after their agreed engagement in combat activities as part of military police units: all this affects the discharge of their regular duties and tasks. One of the participants in the debate described this graphically, questioning the legitimacy of the police because "the army is in the streets controlling traffic, and police are in the trenches."

There has been a great deal of debate about the participation of some paramilitary formations, nearly all of which lack a unified command, cannot be moved out of areas, etc. Many of them engage in looting, thus posing a major threat to public peace and order, while their performance in combat activities is low, which all has an unfavourable effect on other soldiers and civilians.

* It should be noted that up to now 43 policemen have been killed, 135 have been seriously and lightly wounded, and 14 have gone missing in combat in Bosanska Krajina, while 21 policemen have been killed and 40 have been wounded in the Doboj region, etc. A total of 17 policemen were seriously or lightly wounded during the ten days of "mopping up in Dobrinja".

The Army, crisis staffs and war presidencies have requested that the Army round up or capture as many Muslim civilians as possible, and they leave such undefined camps to internal affairs organs. The conditions in some of these camps are poor: there is no food, individuals sometimes do not observe international norms, etc.

The shortage of personnel in all MUP services is also a limiting factor. Many buildings have been destroyed or burned down; many documents are missing; there are no penal records, registers etc, which also makes it difficult to carry out tasks in the area of internal affairs.

The political situation is greatly affecting the rifts: in some areas, there is a division into "good" and "bad" Serbs; there are individuals who hold positions even though they do not merit them; in some communities people get labelled on an institutional level; in other communities local politics is exerting a powerful influence, etc.

In some communities, neither the military nor the civilian judiciary is functioning. Judges have not been elected, and in Bosanska Krajina, for instance, several thousand court cases have not yet been resolved. There are no judges for criminal cases. Judges receive threats and are in fear. In some municipalities (Bosanska Krupa, Donji Vakuf, Kupres, Derventa), the courts do not function; and hardened criminals are released from prison, which affects the establishment of the rule of law and the work of law-enforcement organs.

It should also be noted that new territories are being liberated in combat activities, and that even some Serbs are committing crimes -- mainly all types of looting-- in addition to the crimes previously committed by the enemy.

Looting, as the most serious crime against property, mostly occurs during mopping-up operations, on which occasions paramilitary formations, military formations and police engage in looting.*

It was pointed out that the priority for both the National Service and the Crime Investigation Service is to detect war crimes, provide documentation (on-site investigations, photos, expert testimonies, medical findings) and file criminal reports. Documents are also provided for war crimes committed by Serbs.

Before the conclusions were adopted, the Minister focused only on those issues that would make for a good debate and result in conclusions being adopted at the meetings addressing particular problems.

He pointed out, among other things, that the government is preparing a new political and territorial division of the Serbian Republic which will replace the previously necessary forms, such as autonomous Serb areas and regions, with districts. This will require that the MUP adjust to the reorganisation that will follow -- in some cases, the territory of a centre will be the same as the territory of a district, while in other cases, reorganisation will be necessary.

He stressed that the circumstances in which we work and live are very difficult. The Presidency and Government of the Serbian Republic of Bosnia and Herzegovina are forced to prioritise. It should be noted that Serbs, who account for

* In some cases, officers transport the loot, or convoys are formed during replacements of troops to drive the goods away, and when they are stopped at checkpoints or confronted by authorised personnel, weapons are sometimes drawn to prevent law-enforcement organs from carrying out their official duty -- prevention of looting.

one-third of the total population of the former Bosnia and Herzegovina, are at war with a Muslim-Croat coalition, which represents the remaining two-thirds and which has been reinforced by a considerable number of Ustashas from Croatia and Sandžak. This means that the balance of power is in the enemy's favour, while our forces are securing a territory twice as large, which is compounding the situation. The position of the international community on the Federal Republic of Yugoslavia should also be taken into account.

He pointed out that for these reasons we had had to replenish front-line units where the forces of the Serbian Republic were weaker, and would do the same again if necessary and are, indeed, still doing it at places. As early as mid-May we issued a special order on organising police and other MUP forces into war-time units for the defence of the territory of the Serbian Republic, while regular duties and tasks within our purview were to be carried out according to peacetime arrangements by some of Ministry employees, depending on the volume, intensity and location of war operations. In other words, co-operation was immediately achieved with other parts of the Serb defence forces, i.e. with the Army.

Even though we were forced into this kind of behaviour, internal affairs organs must continue to help out on the front lines, e.g. in Herzegovina, where all MUP members still occasionally go to the front lines, while retirees carry out duties related to maintaining public order and peace and some other tasks from the area of internal affairs.

He also pointed out that despite all this we must make maximum efforts with minimum forces and be responsible for our purview. The Government, Parliament and Presidency constantly and rightly address the need to prevent looting and maintain public order and peace, citizens' safety etc. It should be noted, however, that certain obstacles need to be removed and conditions need to be created for internal affairs organs to act more efficiently. This would include exemption from combat duty, except in emergency situations, the need for other institutions to do what is necessary, etc.

What is not negotiable is the fact that the Ministry of the Interior is a professional organisation, i.e. a professional police force, not influenced by politics. This means that it is not influenced by individuals, groups, factions and parties. After all, the Presidency of the Serbian Republic has adopted a decision to ban party activities in war conditions. In other words, our work is professional work falling within the competence of internal affairs organs and aimed at creating a state based on the rule of law and ensuring its functioning. Once the war is over, parties will be able to form and be active, fighting for power by democratic means in the multi-party Serbian Republic of Bosnia and Herzegovina.

He pointed out that we are determined to take professional measures within our purview to establish the power of the Serbian Republic of Bosnia and Herzegovina, protect the personal and legal safety of citizens and property, prevent and detect crimes and perpetrators, maintain public peace and order and carry out professional tasks with regard to crossing and protecting the state border and other tasks in the area of internal affairs.

The Minister particularly pointed out the determination to take action to ensure full constitutionality and legality by preventing crimes from being committed not only by citizens but also by Army soldiers and officers, active-duty and reserve police and members of internal affairs organs and their superior officers who have committed crimes of any kind.

Conclusions were adopted, persons in charge were selected and deadlines were set on the basis of the discussion and proposals made at the joint sessions and at special meetings and in view of the role and position of internal affairs organs and their security services in war-time conditions, the current highly complex internal and external political situation, the state of combat activities and security in general.

It was concluded, among other things, that, regardless of the complexity of our situation, the inadequate number of personnel and the inclusion of a part of the police force – or, in some areas, even the entire police force – in combat activities, it is necessary for all members of internal affairs organs to take measures within their purview to ensure the establishment and functioning of the government of the Serbian Republic of Bosnia and Herzegovina, protect citizens, their property and safety and carry out other duties within their purview. This requires full constitutionality and legality, as well as independence from any influence exerted by individuals, groups, factions and parties. The priorities stem from the conclusions that follow, and they primarily include the collection of information on enemy activity, war crimes and other serious crimes, especially looting, war profiteering, etc.

The priorities in creating conditions for ensuring more effective work include adopting regulations such as the Regulations on the Organisation of the MUP in War-Time Conditions, adjusting the organisation of the MUP, i.e. security service centres, to the new division of the Serbian Republic of Bosnia and Herzegovina into districts, and specifying who – and when and to what extent – can approve the use of police on the front lines and for carrying out their regular tasks. To that end, mobile units should be set up in all centres to be sent to centres with very serious security problems. It is also necessary to review the police job classification and establish a 1:3 ratio between active-duty and reserve police.

Another priority is the adoption of the Regulations on the Organisation and Specifications of the National Security Service, the Work Regulations for the National Security Service, the Regulations on Uniforms and Titles in the Police Force and the Regulations on Official ID Documents.

In order to strengthen constitutionality and legality, emphasis was placed on the need to improve the functioning of existing checkpoints and set up new checkpoints which would operate as border crossings until the government sets up border crossings. The Zvornik checkpoint should immediately intensify its work. Under the job classification, police units for border tasks should be set up at public security stations in the border area. To that end, the MUP should submit a proposal to the government. The establishment of a customs service would certainly be an important precondition for improving the functioning of internal affairs organs.

The tasks which should constantly be insisted upon include prevention and detection of crimes and their perpetrators, with emphasis on looting, war profiteering, serious crimes against life and other crimes, regardless of who the perpetrators are. Police manning mixed, operative and preventative checkpoints have the duty to keep regular records of all goods leaving the Serbian Republic and provide documents for further intelligence work if there is a suspicion that a crime has been committed. A proposal should be drawn up for competent state organs to stipulate the conditions under which someone can export goods, what documents are required, etc. The checkpoints in the Republic, manned by civilian and military police and crime-investigation officers, if possible, would have the primary task of crime detection.

In order to prevent abuse in connection with seized goods, as well as the commission of crimes and all kinds of subsequent arrangements, it is necessary to set

and secure locations for depositing seized goods, valuables and money, with due records of the transfer of goods to municipal commissions once the internal affairs organs have completed their procedure, and to maintain receipts of seized items, which should be numbered and treated as securities.

As for the convoys – in addition to other conditions and measures – competent organs must specify who can approve a convoy, who is responsible for the contents of the goods, which are the convoy's first and last stops, to whom the convoy is sent and why, how many vehicles there are in the convoy, who the drivers are, etc.

Preventing and documenting war crimes by using all legally prescribed methods for documenting such activities (on-site investigations, photographs, audio recordings, expert opinions, medical findings, witness and eyewitness testimony etc.) and submitting copies of MUP documents to competent state bodies are also priorities for the National Security Service and the Crime Investigation Service.

The National Security Service will focus its forces, resources and methods on collecting and documenting the /illegible/ of the enemy – particularly those aimed at seizing territory from the Serbian Republic of Bosnia and Herzegovina, preventing the liberation of temporarily occupied territories, threatening the borders of the Serbian Republic of Bosnia and Herzegovina, destabilising the situation, preventing the work of Serbian authorities and other activities aimed at overthrowing the Constitution-based system – as well as on measures aimed at preventing the activities of Serbs who are at the service of the enemy.

It is necessary to intensify measures and activities aimed at maintaining public peace and order and the general and legal safety of citizens.

To resolve the observed problems and the dispute over jurisdiction between the MUP and the Army of the Serbian Republic, a joint meeting should be prepared to address all of the problems in order to reach an agreement, resolve the problems and ensure more effective co-operation and coordinated action. Special emphasis should be placed on: the activity of paramilitary formations; the problem of engaging police in combat activities when not necessary; the coordinated efforts of the Army and MUP to prevent crime, especially crimes committed by military personnel; the procedure and jurisdiction with regard to the treatment and holding of prisoners; the functioning of mixed checkpoints; the work of military judicial organs; the exchange of information etc.

With a view to resolving existing problems and outstanding issues with the Justice Ministry, it is also necessary to hold a joint meeting in order to address the problems of co-operation between the MUP and judicial organs in preventing crime and the shortage of judges for criminal cases, to reach an agreement on initiating proceedings for changing the duration of pre-trial detention (the Presidency should uphold the provision according to which detention can last up to 31 days) and to resolve more quickly the issue of investigating judges, investigating centres, prisons and, especially, round-up centres and the related issue of jurisdiction so that the MUP, in compliance with the ZKP /Law on Criminal Procedure/ and the Law on Internal Affairs, can deal with individuals only until their trial or handover to judicial organs, which are products of the MUP's activity. Special emphasis should be placed on the issue of relocating certain citizens, villages etc. because this does not fall within the competence of the MUP although efforts are being made to link it to the MUP.

Another conclusion was that the MUP must be funded solely from the budget of the Serbian Republic and that items seized pursuant to the ZKP or other laws must

be handed over, through municipal commissions, to the competent organ of the Republic.

With regard to personnel solutions and training in this period, emphasis is to be placed on strengthening the crime-investigation service with policemen with special professional qualifications and abilities and bringing the police force to strength according to adopted criteria, the conclusions mentioned above and the Organisation Rules, and bringing the National Security Service and other MUP services to strength according to adopted criteria.

It is necessary to ensure regional representation for MUP employees at the centre, especially senior officers, and take legal and other measures to remove those employees who have committed crimes or have disqualified themselves as MUP employees in other ways.

It was concluded that the necessary preliminary activities and checks be carried out in order to establish whether the police school can continue to operate, i.e. whether education can be provided for grade-2 and grade-3 students, and to look into the possibilities of organising new courses for the police as well as courses in crime-investigation techniques, communications and cryptographic protection.

In addition to the obligations mentioned in other conclusions and previous instructions, orders, existing regulations etc., emphasis will be placed on the regular provision of information and statistical reports to the MUP by the centres, the exchange of information between the MUP and centres, the ongoing provision of information to competent bodies, in keeping with existing laws and other regulations, and the provision of information to the Army of the Serbian Republic on issues important for defence and to the media in order to ensure transparency of work.